



**Statement of Withholding on
Dispositions By Nonresident Persons
of Hawaii Real Property Interests**

**Calendar
Year
2019**

THIS SPACE FOR DATE RECEIVED STAMP

**Copy A — Submit to the State of Hawaii - Department
of Taxation. See Copy C for Instructions**

| | | | | | | | |
|---|--|-------|-----------------|---|--------------------|---|--|
| 1. Description and Location of Property Transferred <i>(Include tax map key number)</i> | | | | 2. Transferor/Seller's Share of Amount Realized | | 3. Date of Transfer OR <input type="checkbox"/> Installment Payment Date | |
| 4. Transferor/Seller is an: <input type="checkbox"/> Individual or RLT <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation <input type="checkbox"/> S corporation <input type="checkbox"/> Trust or Estate | | | | | | 5. Transferor/Seller's Hawaii Income Tax Withheld | |
| 6. Transferor/Seller's Business Name | | | | | | 6a. Transferor/Seller's FEIN | |
| 7. Transferor/Seller's First Name | | M.I. | Last Name | | Suffix | 7a. Transferor/Seller's SSN | |
| 8. Transferor Spouse's First Name | | M.I. | Last Name | | Suffix | 8a. Transferor/Seller's Spouse SSN | |
| 9. Transferor/Seller's Street Address | | | | | | | |
| 10. City or Province | | State | Postal/ZIP code | | Non U.S.A. Country | | |
| 11. Transferee/Buyer's name | | | | | | 12. Transferee/Buyer's FEIN | |
| 13. Street Address | | | | | | 14. Transferee/Buyer's SSN | |
| 15. City or Province | | State | Postal/ZIP code | | Non U.S.A. Country | | |
| | | | | | | | |

THIS FORM IS TO BE USED FOR TRANSFERS OR PAYMENTS MADE IN 2019 ONLY.

ATTACH THIS COPY OF FORM(S) N-288A AND YOUR CHECK OR MONEY ORDER TO FORM N-288 (Payable to "Hawaii State Tax Collector")

STATE OF HAWAII—DEPARTMENT OF TAXATION
**Statement of Withholding on
Dispositions By Nonresident Persons
of Hawaii Real Property Interests**

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Copy B

**Send to Transferor/Seller. This information
is being furnished to the State of Hawaii,
Department of Taxation. See Instructions on
back of this copy.**

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| 4. Transferor/Seller is an: <input type="checkbox"/> Individual or RLT <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation <input type="checkbox"/> S corporation <input type="checkbox"/> Trust or Estate | | | | | 5. Transferor/Seller's Hawaii Income Tax Withheld | |
| 6. Transferor/Seller's Business Name | | | | | | 6a. Transferor/Seller's FEIN |
| 7. Transferor/Seller's First Name | M.I. | Last Name | | Suffix | 7a. Transferor/Seller's SSN | |
| 8. Transferor Spouse's First Name | M.I. | Last Name | | Suffix | 8a. Transferor/Seller's Spouse SSN | |
| 9. Transferor/Seller's Street Address | | | | | | |
| 10. City or Province | State | Postal/ZIP code | Non U.S.A. Country | | | |
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THIS FORM IS TO BE USED FOR TRANSFERS OR PAYMENTS MADE IN 2019 ONLY.

FORM N-288A

INSTRUCTIONS TO TRANSFEROR/SELLER

Generally, a 7.25% withholding obligation must be withheld by the transferee/buyer when a nonresident person disposes of their Hawaii real property. Even though tax may or may not have been withheld, you are required to file a Form N-15, N-20, N-30, N-35 or N-40 to report the sale or other disposition.

CERTIFICATE TO WAIVE OR ADJUST WITHHOLDING

If there is insufficient funds to pay the withholding required, the transferor/seller may file Form N-288B to apply for a withholding certificate to waive or adjust the withholding. This form is used only for applications based on (1) a claim that the transferor/seller will not realize any gain with respect to the transfer, or (2) a claim that there will be insufficient proceeds to pay the withholding required under section 235-68(b), Hawaii Revised Statutes (HRS), after payment of all costs, including selling expenses and the amount of any mortgage or lien secured by the property.

NOTE: Form N-288B should be filed no later than 10 working days prior

to the date of transfer. Form N-288B will not be approved after the date of transfer has passed. See Form N-288B for more information.

REFUND

The transferor/seller may file for a refund if the real property interest is in excess of the transferor/seller's tax liability on Form N-288C. The nonresident transferor/seller is still required to file a Hawaii income tax return (Forms N-15, N-20, N-30, N-35, or N-40) after the end of the taxable year, report the entire Hawaii source income for the year including the transaction and pay any additional tax due on the income or request a refund. See Form N-288C for more information.

NOTE: Under section 235-111, HRS, any claim for a credit or refund of an overpayment of taxes must be filed within three years from the due date of the return, or within two years from the time the tax was paid, whichever is later.

INSTRUCTIONS FOR FORM N-288A

References to “married” and “spouse” are also references to “in a civil union” and “civil union partner,” respectively.

Prepare Form N-288A for each nonresident transferor/seller subject to withholding. If two or more nonresident transferors/sellers jointly transfer a Hawaii real property interest, prepare a separate Form N-288A for each nonresident transferor/seller.

One Form N-288A should be filed for a taxpayer and spouse if they are filing a joint return for the year in which they transferred their Hawaii real property interest. Attach Copy A of Form(s) N-288A and your check or money order to Form N-288.

Joint Transferors/Sellers

If one or more nonresident persons and one or more resident persons jointly transfers Hawaii real property interest, first, determine the amount subject to withholding by allocating the amount realized from the transfer among the transferors/sellers based on their capital contribution to the property. For this purpose, a taxpayer and spouse are treated as having contributed 50% each. Second, withhold on the total amount allocated to nonresident transferors/sellers. Third, credit the amount withheld among the nonresident transferors/sellers as they mutually agree. The transferors/sellers must request that the withholding be credited as agreed upon by the 10th day after the date of transfer. If no agreement is reached, credit the withholding by evenly dividing it among the nonresident transferors/sellers.

Line by line instructions

Box 1 — Enter a description of the property including its location and the nature of any substantial improvements, such as an apartment building or warehouse. Include the tax map key.

Box 2 — Enter the amount realized by the transferor/seller whose name appears on this form. If the transferor/seller is reporting the gain under the installment method, enter the principal portion of the total payments for the year. The transferor/seller must provide written notification to the transferee/buyer prior to the transfer date if the transferor/seller will elect out of the installment method and report the gain in full in the year of sale. If a transferee/buyer does not receive written notification, the transferee/buyer shall assume that the transferor/seller will report the gain under the installment method.

Box 3 — Enter the date of transfer. For payments on an installment sale, enter the payment date of the installment and check the “Installment Payment Date” box.

Box 4 — Check the applicable box to indicate whether the transferor/seller is an individual or revocable living trust, a partnership, a corporation, an S corporation, or trust (including an irrevocable trust) or estate. If the transferor/seller is an LLC that files a partnership return, check the box for a partnership. If the transferor/seller is a single member LLC that has not elected to be taxed as a corporation, and the only member is an individual, check the box for an individual. If the transferor/seller is a revocable living trust, or any other trust in which an individual is treated as the owner of the trust, check the box for an individual or revocable living trust. For all other trusts and estates, check the box for a trust or estate.

Box 5 — Enter the Hawaii income tax withheld by the transferor/seller whose name appears on this form. If there are two or more nonresident transferors/sellers, indicate the respective amounts withheld for each nonresident transferor/seller on a separate Form N-288A. If the amount required to be withheld has been waived or exempted, enter zero (0). If the amount required to be withheld has been reduced or waived by the Department of Taxation, attach a copy of the approved Form N-288B. If

one or more of the transferors/sellers are exempt from the withholding and you are issuing the exempt transferor/seller Form N-288A, attach a copy of the exempt transferor/seller's Form N-289. If the transferor/seller is a partnership, an S corporation, or a trust or estate, please attach a schedule showing the name, identification number, and amount of the withholding allocated to each partner or member, S corporation shareholder, or beneficiary of the trust or estate. For trusts and final-year estates, this schedule does not replace the election that needs to be made on Form N-40T.

Box 6 — Enter the transferor/seller's business name.

Box 6a — Enter the transferor/seller's federal employer identification number (FEIN). If the transferor/seller is a single member LLC that has not elected to be taxed as a corporation, and the only member is an individual, enter the social security number of the individual in box 7a. If the transferor/seller is a revocable living trust, or any other trust in which an individual is treated as the owner of the trust, enter the social security number of the individual in box 7a. For all other trusts and estates, enter the federal employer identification number of the trust or estate in box 6a.

Box 7 — Enter the transferor/seller's name.

Box 7a — Enter the transferor/seller's social security number (SSN).

Box 8 — If the transferors/sellers are taxpayer and spouse filing a joint return, enter the spouse's name.

Box 8a — If the transferors/sellers are taxpayer and spouse filing a joint return, enter the spouse's social security number (SSN).

Box 9 — Enter the transferor/seller's street address.

Box 10 — Enter the transferor/seller's City or Province, State, Postal/ZIP code and Non U.S.A. County (if applicable).

NOTE: If your mailing address has changed, and you do not notify the Department of the change of address, any important notices or correspondence to you may be delayed. To notify the Department of your new address, you may complete Form ITPS-COA, Change of Address Form.

Box 11 — Enter the transferee/buyer's name.

Box 12 — Enter the transferee/buyer's FEIN. If the transferee/buyer is a single member LLC that has not elected to be taxed as a corporation, and the only member is an individual, enter the social security number of the individual in box 14. If the transferor/seller is a revocable living trust, or any other trust in which an individual is treated as the owner of the trust, enter the social security number of the individual in box 14. For all other trusts and estates, enter the federal employer identification number of the trust or estate in box 12.

Box 13 — Enter the transferor/seller's street address.

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Box 15 — Enter the transferor/seller's City or Province, State, Postal/ZIP code and Non U.S.A. County (if applicable).

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For definitions and rules, see the Instructions for Form N-288.

STATE OF HAWAII—DEPARTMENT OF TAXATION
**Statement of Withholding on
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FORM N-288A

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